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Budget Rent A Car Systems, Inc. and Local 283, International Brotherhood of Teamsters, AFL-CIO, Petitioner. Cases 7-RC-22199 and 7-RC-22207

July 26, 2002

DECISION ON REVIEW AND ORDER

BY CHAIRMAN HURTGEN AND MEMBERS LIEBMAN
AND COWEN

On April 12, 2002, the Regional Director for Region 7 issued a Decision and Direction of Elections finding that the petitioned-for single-facility units at the Employer's Warren and Southfield stores in the Detroit, Michigan area are appropriate. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Employer filed a timely request for review, arguing that the only appropriate unit is a multifacility unit of all of the Employer's five Detroit-area local market stores. By Order dated May 8, 2002, the Board granted the Employer's request for review.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Having carefully reviewed the entire record, we reverse the Regional Director's finding that the petitioned-for units are appropriate. As explained below, we find that the petitioned-for stores have been effectively merged into a larger unit. Therefore, we find that the petitioned-for single-facility units are inappropriate.

I. FACTS

The Employer rents cars and trucks to the public. It operates five Detroit-area local market stores in the cities of Southfield, Warren, Livonia, Waterford, and Birmingham¹ and two Detroit-area airport locations in Romulus and Grand Rapids. The Petitioner seeks to represent all customer service coordinators (CSCs), service agents, and mechanics at the Employer's Southfield store and a separate unit of all customer service coordinators and service agents at the Employer's Warren store.² There are four mechanics, five CSCs, and two service agents in the

¹ The distance between each of the five facilities averages about 15 to 20 minutes by car or approximately 10 miles. The two facilities that are farthest apart are about 40 minutes apart by car.

² The Petitioner currently represents service, maintenance, and parking lot employees at the Employer's Detroit Metropolitan Airport facility in Romulus. This facility is administratively distinct from the Detroit-area local market, with separate supervision, wage scales, benefits, and work policies. No party proposes that the Grand Rapids location be included in the appropriate unit or units in this case.

petitioned-for Southfield unit and four CSCs and no service agents or mechanics in the petitioned-for Warren unit. There are a total of eight additional CSCs and two additional service agents employed at the Livonia, Waterford, and Birmingham stores. There are no mechanics at these three stores.

The functions, duties, and required skills of each position are the same at all of the Employer's locations. Service agents service and prepare vehicles for rental; the CSCs rent vehicles to customers, as well as service and prepare vehicles for rental; and the mechanics maintain and repair the rental trucks and prepare the trucks for rental.

The five local market stores are locally managed by three branch managers.³ Each of the petitioned-for stores shares a branch manager with another of the Employer's five local market stores. In this regard, Michelle Laskowski manages CSRs and service agents at both Warren and Birmingham, and Darrel Whitby manages CSRs and service agents at both Southfield and Waterford.⁴ They spend about 75 percent of their time in Warren and Southfield, respectively.

The branch managers report to District Manager Elisa Bannon, who oversees operations at all five local market stores. The mechanics report directly to Maintenance Manager Thomas Ayers. The district manager and the maintenance manager, in turn, report to General Manager Richard Sudy, who works out of the Detroit Metropolitan Airport facility.

Branch managers do not have the authority to make decisions concerning hiring, merit wage increases, temporary or permanent transfers, authorization of overtime, terminations, or serious discipline. All such decisions concerning the CSCs and the service agents are made by the district manager, sometimes in consultation with the human resources regional manager (whose area of responsibility includes, but is not limited to, the five-store Detroit local market) or the general manager. In the process of carrying out her responsibilities, the district manager visits each store at least once a week. Maintenance Manager Thomas Ayers has the same responsibilities with regard to the mechanics that the district manager has with regard to the CSCs and the service agents.

Branch managers prepare evaluations, which are then used by the district manager to determine merit wage increases. They also set employee schedules, approve time off, and handle day-to-day operations, such as en-

³ The parties stipulated that the branch managers are 2(11) supervisors.

⁴ Before April 1, 2002, Michelle Laskowski managed only the Warren store and Brian Osterman managed both Livonia and Birmingham.

forcing work rules or dealing with customer service issues.

The wage scale (which applies until the employees are eligible for merit increases after 3 years of service), benefits, incentive program, and work policies are uniform throughout the five-store local market and are determined by corporate policy. Personnel records, other than daily attendance cards, for all five stores are kept at the Detroit Metropolitan Airport facility in Romulus, where the general manager and the administrative assistant are located. The hours of operation for all locations are the standard corporatewide hours, which vary based on whether the store rents both trucks and cars, as most do, or just cars. The uniforms are the same at all five local market stores, though varied according to position. Training of employees at all five stores is conducted at the Southfield store.

None of the five stores has its own dedicated fleet of cars or trucks. Their vehicle inventory is from the Detroit pool, which covers the whole Detroit region. Cars and trucks move from location to location many times a day. The CSCs contact their counterparts at other local stores three or four times a day to check on vehicle availability and otherwise coordinate operations.

The four mechanics at the Southfield store service all the rental trucks for the five local market stores.⁵ There are no mechanics at any of the other local market stores. Some trucks are brought to the Southfield location for service; other trucks are serviced at Warren, Livonia, and Waterford.⁶ Mechanics from Southfield visit the other three stores on a daily basis to service trucks.

Six employees in the petitioned-for classifications were permanently transferred between local market stores in the last year. Temporary transfers occur "a couple" of times per month, when employees from other stores cover vacant positions or employee absences. The Employer's witness provided specific evidence of four employees temporarily working at other stores, from several hours to several days, during the first few months of 2002. All transfers to date have been voluntary, although the district manager has the authority to mandate either permanent or temporary transfers. Employees at other locations are given preference when there is an opening at one of the five stores, although the Company does not maintain a seniority system for this or any other purpose.

⁵ The petitioned-for mechanics do not service the car inventory used by the five stores; the cars are serviced by mechanics at the Detroit Metropolitan Airport, along with cars from the Employer's other Detroit-area locations.

⁶ The Birmingham location does not rent trucks.

There is no bargaining history concerning these five stores. The Petitioner has indicated that it is willing to proceed to an election in any unit the Board finds appropriate.

II. ANALYSIS

A single-facility unit is presumptively appropriate, unless the single facility has been effectively merged into a more comprehensive unit, or is so functionally integrated with another unit that it has lost its separate identity. *R & D Trucking*, 327 NLRB 531 (1999). To determine whether the single-facility presumption has been rebutted, the Board looks at such factors as the similarity of employee skills, functions and training, the distance between the facilities, the functional coordination in operations of the facilities, common supervision, centralized control of operations and labor, contact between employees at different facilities, employee interchange (particularly temporary transfers) between facilities, common wages, benefits, and terms and conditions of employment, and bargaining history, if any. See *Waste Management Northwest*, 331 NLRB 309, 309 (2000); *New Britain Transportation Co.*, 330 NLRB 397, 397 (1999).

Contrary to the Regional Director, we find that the Employer has rebutted the single-facility presumption.

The petitioned-for stores have no separate local management, as each shares a branch manager with another local market store. Moreover, the branch managers have little or no input into hiring, terminations, serious discipline, transfers, wage scales, merit wage increases, benefits, or other terms and conditions of employment. While the branch managers schedule employees, their authority to do so is limited by the fact that they cannot schedule overtime without specific authorization from the district manager. Control of labor relations is centralized under the authority of the district manager, the maintenance manager, the general manager, and corporate policy.

We also find that there is a significant amount of functional integration and employee contact among the five local market stores. Specifically, the lack of a separate fleet inventory at each store results in a substantial degree of coordination and contact between unit employees from all five stores. Further, the fact that the Southfield truck mechanics are responsible for servicing all local market trucks, and the frequency with which they travel to other stores to do so, provides further evidence of employee contact and functional integration between the five stores. Lastly, there is some evidence of both temporary and permanent transfers among the five local market stores.

Moreover, job functions, required skills, starting wages, benefits, the incentive bonus program, uniforms,

and all other terms of conditions of employment are identical from store to store. Job training of employees from all five stores is centralized at one location.

Under these circumstances, we find that the evidence presented establishes that the Southfield and Warren stores have been so effectively merged into the other Detroit area local market stores, and are so functionally integrated with these stores, that they have lost their separate identities such that the Employer has rebutted the presumptive appropriateness of the petitioned-for units. See *Waste Management Northwest*, supra.

ORDER

The Regional Director's Decision and Direction of Elections is reversed. This proceeding is remanded to the

Regional Director for further appropriate action consistent with this decision.

Dated, Washington, D.C. July 26, 2002

Peter J. Hurtgen, Chairman

Wilma B. Liebman, Member

William B. Cowen, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD